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Committee on the Elimination of Discrimination against Women
Sixty-third session

Summary record of the 1385th meeting*
Held at the Palais des Nations, Geneva, on Tuesday, 23 February 2016, at 10 a.m.

Chair: Ms. Hayashi

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* No summary records were issued for the 1383rd and 1384th meetings.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of the Czech Republic (CEDAW/C/CZE/6; CEDAW/C/CZE/Q/6 and Add.1)

1. *At the invitation of the Chair, the delegation of the Czech Republic took places at the Committee table.*

2. **Ms. Baršová** (Czech Republic), introducing the State party's sixth periodic report (CEDAW/C/CZE/6), along with a brief overview of events that had occurred and measures that had been adopted since its submission, said that an amendment to the 2009 Anti-Discrimination Act was currently before the parliament which, if passed, would give the Ombudsperson the powers to initiate public-interest proceedings (*actio popularis*) in cases of discrimination and thus increase the Act's effectiveness. In 2014, following a change in its ministerial structure, the Government had renewed its commitment to the promotion of gender equality and, to give shape and form to that commitment and provide a practical planning tool, had adopted the country's first long-term strategy for achieving equality between women and men in the Czech Republic. The strategy covered the years up to 2020, encompassed the eight main strategy areas defined in the Beijing Declaration and Platform for Action, addressed gender stereotypes, data collection and stakeholder cooperation, among other issues, and established specific indicators for monitoring and evaluating progress as well as minimum standards for gender equality within the public administration. A report on ways to improve the collection of data for use in monitoring gender equality had been adopted at the same time as the strategy. Responsibility for overseeing the strategy's implementation lay with the Gender Equality Unit of the Office of the Government and the Government Council for Equal Opportunities. A progress report on its application was to be prepared annually. To support the implementation and evaluation process, the Office of the Government had developed an easy-to-use gender impact assessment tool, and the Gender Equality Unit had organized training workshops to familiarize ministerial officers with its use.

3. Positive trends were apparent in the labour market. The gender pay gap was narrowing, although it was still over 20 per cent, and around two thirds of working-age women were in employment. However, the Government was aware that stereotypical attitudes and low levels of male involvement in childcare and other family tasks continued to impede gender equality. Those and other obstacles were being addressed in various ways. For example, the Ministry of Labour and Social Affairs was developing a project that would include a campaign to address the gender pay gap, gender stereotypes and women's underrepresentation in decision-making positions. The project would run from 2016 to 2020 and would also include the formulation of legislative proposals to increase wage transparency and the creation of other tools to support that effort. To help mothers reconcile work and family commitments, the Act on Children's Groups, adopted in 2014, established a legal framework for the provision of childcare services on a non-commercial basis and, to implement that provision, grants for the development of childcare facilities had been made available under the European Union Operational Programme for Employment. An initial tender process had been announced in October 2015.

4. Other Government initiatives that addressed issues of work-life balance had included: the establishment of a family policy committee within the Ministry of Labour and Social Affairs, whose work to date had included preparing proposals for the introduction of paternity benefits and reviewing the parental leave system to allow for the shared and more flexible use of entitlements; the launch of a new form of day

care based on micro-nurseries, which provided care in small groups for children under 5 years of age; and a proposal to amend the Education Act in order to guarantee a kindergarten place for all children aged over 4 years old by 2017 and all children over the age of 3 by 2018.

5. Various pieces of legislation designed to enhance protection against gender-based violence had been passed in recent years. The Crime Victims Act of 2013 accorded certain specific rights to victims of violent crimes, such as the right to be protected from contact with the offender, the right to free professional assistance and the right to be interviewed by a person of the gender of the victim's choosing. To support the implementation of that legislation, the Government had adopted a new action plan for the prevention of domestic and gender-based violence that covered the years up to 2018 and included 70 specific preventive measures. The plan had been developed with assistance from the Norwegian NGO Alternative to Violence (ATV) and the Committee for the Prevention of Domestic Violence and Violence against Women, which brought together experts from NGOs, relevant ministries and academia. Understanding and awareness of the problem were being broadened through various initiatives. The national Grant Agency was sponsoring research into intimate partner violence. The Gender Equality Unit had commissioned research into the availability of specialist social services and media coverage of gender-based violence. It had also organized an international conference on the economic and societal costs of domestic violence and another conference that had focused on the issue of rape. Workshops had been provided for teachers and social workers, again with support from ATV; and in May 2015, at an international conference held in Prague, experts from the Council of Europe, the European Commission, Norway, Poland and Estonia had come together to analyse such issues as the role of information and communication technologies in the prevention of gender-based violence and the protection of victims of such violence. To further reinforce its commitment to dealing with that problem, in February 2016 the Government had formally agreed to sign the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and had authorized the Minister of Justice to initiate the legislative processes necessary for its ratification.

6. The Government was also actively promoting gender equality on the world stage. Equality in political participation and non-discrimination were a focus of its international strategy for the promotion of human rights and democracy, and gender mainstreaming was one of the cross-cutting principles reflected in its development cooperation and transition promotion programme. In 2014 and 2015, Czech-sponsored projects had benefited women in countries and regions such as Afghanistan, Bangladesh, Cambodia, Egypt, Georgia, Kosovo, the Republic of Moldova, Nepal, the State of Palestine and Zambia. In addition, a national action plan for the implementation of Security Council resolution 1325 (2000) on women, peace and security was in the pipeline, and Prime Minister Sobotka, together with two of his Cabinet Ministers, had recently joined the HeForShe solidarity movement.

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7. **Ms. Chalal** said that she would like to know what the State party was doing about the persistent dearth of gender-disaggregated statistics and data on domestic violence that were needed in order to assess its progress towards the elimination of gender-based discrimination. She also wished to know whether the measures adopted pursuant to Government Resolution No. 542 of 8 July 2015 concerning the data-collection obligations of State bodies had entered into effect and whether NGOs contributed to data-collection processes. Were State bodies required to compile figures relating to the multiple discrimination suffered in health, education and other areas by disadvantaged minority groups such as women with disabilities, migrant women and

Roma women? What was being done to guarantee equal treatment for those women and protect them from discrimination? In addition, she would appreciate further information about the Government's efforts to provide reparation to the victims of unlawful sterilizations and ensure that such practices were never repeated. She would particularly like to know how many women had been affected, whether doctors were involved in the reparation process and which body was responsible for seeing to it that redress was provided.

8. **Ms. Baršová** (Czech Republic) said that the Government had clear-cut plans for improving its data-collection processes. The measures adopted in July 2015 were in the early stages of implementation, so it was too early to comment on their impact, but a data-collection system that would provide all the necessary statistics would, in the long run, be achieved. Certain elements did, however, raise particular challenges. For example, accurate statistics on minorities such as the Roma were difficult to compile because the characterization of a person's national or ethnic origin was a subjective assessment, and the Czech Constitution gave all persons the right to self-identify with regard to their national origin and ethnicity. The Government was, on the other hand, able to collect accurate and comprehensive statistics on migration.

9. Having considered the recommendations of the Ombudsperson and relevant international bodies, the Government had decided not to approve draft legislation that would have established an extrajudicial mechanism for providing compensation to victims of forced sterilization. Its reasons included the fact that various judicial mechanisms were already available and that the courts had already awarded compensation in a number of cases. Furthermore, because the events in question had taken place two or more decades previously, there was little evidence aside from NGO reports, and medical records often either could not be located or simply did not exist. With a view to finding a way forward, the Office of the Government had been analysing the situation in conjunction with the Ministry of Health but, regrettably, there were no further developments to report at present.

10. **Ms. Zachariášová** (Czech Republic) said that, subsequent to the completion of the 2015 report on improving data collection for use in monitoring progress towards gender equality, recommendations concerning the compilation of additional data by government ministries had been issued. The Gender Equality Unit was in the process of evaluating the implementation of those recommendations and the resulting data with a view to publishing its findings in mid-2016. In collaboration with several other European countries, there were also plans to create a platform for the harmonization of data-collection systems. NGOs that collected data in specific fields also shared their data with the Government.

11. **Mr. Marounek** (Czech Republic) said that paragraph 58 of the State party's replies to the list of issues (CEDAW/C/CZE/Q/6/Add.1) summarized the information provided to women on the permanent nature, risks and consequences of surgical sterilization, the requirements concerning informed consent and the relevant cooling-off periods. As for the provision of health-care services for Roma women, under the health-care legislation in force, all insured persons were entitled to receive free, quality health care and had the right to complain if they believed that such care had not been made available as provided for by law. Such complaints were to be sent to the health-care services provider in the first instance and could be escalated in the event that the complainant disagreed with the provider's decision.

12. **Mr. Bruun** said that, while the adoption of the comprehensive 2009 Anti-Discrimination Act was commendable, the Committee had serious concerns regarding its implementation. Since that law had entered into force, just 22 cases of discrimination had been brought before the courts of first instance, of which 21 had failed to prosper. The sole conviction had resulted in an award for damages of less

than €2,000. He wished to draw the delegation's attention to the Committee's general recommendation No. 33 on women's access to justice and would like to know what steps the Government had taken or planned to take to address the very apparent problems surrounding access to justice. He would also be interested to learn whether there were plans to introduce legal aid and an *actio popularis* institution. Did judges and lawyers receive appropriate training on human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol?

13. **Ms. Jahan** said that, while she welcomed the introduction of a new migration strategy aimed at promoting the positive aspects of migration and the State party's commitment to increasing its overseas humanitarian aid, she wished to know what action was being taken within the Czech Republic to discourage anti-migration and anti-Islamic rhetoric, which was present even in the upper echelons of the Government. Bearing in mind the Committee's general recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, she would like to know what steps had been taken to develop a gender-sensitive approach, in terms of both procedural and protective measures, to the ongoing refugee crisis and the fulfilment of the State party's international protection obligations.

14. **Ms. Chalal** asked why the bill on compensation for women victims of unlawful sterilization had been rejected.

15. **Ms. Baršová** (Czech Republic) said that, while it was true that the number of cases brought under the Anti-Discrimination Act was small, the Government was taking steps to make it easier for people to file complaints. It had, for example, proposed that the Ombudsperson should be given powers to bring public-interest proceedings on behalf of private persons. Legal action was not the only way to improve the situation, however, and feedback from the public indicated that the Ombudsperson was considered to be an accessible and affordable alternative. In 2014, the Ombudsperson had dealt with 398 complaints — including 30 involving gender-based discrimination and 6 relating to discrimination on the basis of sexual orientation — of which just 17 had been found to have actually involved discrimination. The Ombudsperson had expressed the view that the notion of discrimination was understood in a very broad sense in Czech society.

16. The Office of the Government of the Czech Republic had launched a social media campaign, primarily targeting young people between the ages of 15 and 25, that was aimed at eliminating widespread negative social attitudes and prejudices, including those focusing on migrants and refugees.

17. Lastly, the reasons why the bill on compensation for victims of unlawful sterilizations had not been approved included the availability of alternative avenues for seeking redress; the complicated nature of the proposed extrajudicial mechanism and doubts as to its functionality, fairness and effectiveness; and the lack of medical evidence, particularly for cases that had occurred many years in the past.

18. **Ms. Belloňová** (Czech Republic) said that the data compiled on domestic or sexual violence cases included the victims' gender. Judges and public prosecutors were regularly offered training on legislation covering anti-discrimination, domestic violence and gender equality. The Ministry of Justice was cognizant of how few cases had been brought to trial under the Anti-Discrimination Act and was taking steps to provide greater access to justice. Measures included proposals to introduce a bill on free legal aid, which was due to be submitted to parliament shortly, to reduce the court fees charged in discrimination cases and to amend the Code of Civil Procedure to streamline court proceedings.

19. **Ms. Pokorná** (Czech Republic) said that measures had been introduced in 2015 to provide a broad range of services, including accommodation, social care and legal assistance, to asylum seekers. A national integration strategy had been adopted for the assimilation of refugees and vulnerable groups of migrants into society. A policy aimed at integrating legally residing migrants into Czech society had also been introduced which included activities specifically directed at women, children and other vulnerable groups. Regional integration centres, open to all migrants, had been set up to offer language classes, legal advice and social assistance, among other services.

20. **Ms. Zachariášová** (Czech Republic) added that the Gender Equality Unit was due to launch a pilot study, in cooperation with NGOs, aimed at gaining an overview of the entire asylum process from a gender perspective and assessing the extent of any gender biases in the system.

21. **Ms. Haidar** said that, in view of the various changes made in the national institutional gender equality structure and the fact that the Gender Equality Unit's mandate had changed four times since 2008, the State party's assertion that those changes had not resulted in a "complete cessation" of work on the Unit's agenda was a cause of concern. Such instability would undoubtedly have had an enormous impact on the machinery's effectiveness. She would therefore appreciate more information on the real impact of those changes, particularly in respect of how they had limited the implementation of the gender equality agenda "to the necessary minimum" — a term that also required clarification. She also wished to know what resources had been allocated to the Gender Equality Unit and how its staff were trained; what the Unit's actual mandate now was; how it would address the weaknesses inherent in the national machinery for the advancement of women; and how it fulfilled its role of managing the gender equality policy at the national level and of monitoring implementation of the Convention. She would also welcome clarification on the differences between the mandates of the Gender Equality Unit and the Ombudsperson, as well as further information on the latter's role.

22. **Ms. Nwankwo** said that, while she welcomed the introduction of the Government Strategy for the Equality of Women and Men in the Czech Republic for the period 2014-2020, she wished to know what concrete, binding temporary special measures had been adopted to reach the 40 per cent gender quota for lists of electoral candidates; whether there were sanctions for non-compliance; and whether the action plan for implementing the 40 per cent quota had been finalized and, if so, what the outcomes had been. She also wished to know whether there were plans to amend the Anti-Discrimination Act to cover political participation; what steps were being taken to rectify the severe underrepresentation of Roma women; and whether any capacity-building and awareness-raising programmes were planned to address negative attitudes towards temporary special measures.

23. **Ms. Baršová** (Czech Republic) said that the Gender Equality Unit had been reassigned to various ministries since 2008 in line with evolving approaches to the concept of gender equality. The concept had, for example, initially been viewed as a social problem and had only later been understood to be a human rights issue. The reduction in funding for the Unit had been a result of austerity measures introduced during the economic crisis, but those measures were no longer in force.

24. Although they often dealt with similar issues, there were significant differences between the Office of the Public Defender of Rights (the Ombudsperson), an independent, quasi-judicial institution that reported directly to parliament, and the Gender Equality Unit, a body tasked with coordinating and supporting the work of government ministries. The two entities cooperated on a daily basis, in particular by sharing information and by carrying out joint awareness-raising activities.

25. The Government had sought to incorporate a gender perspective into the Romani Integration Strategy and into other policies and programmes for the Roma. It had also launched grant schemes to encourage the participation of Roma women in local politics and to facilitate the development of Roma communities.

26. Public opinion with regard to temporary special measures was largely negative, and past attempts to adopt them had proved unsuccessful. A common counterargument had been that there were many disadvantaged groups in society and that one should not be given priority over the others. There was no legal impediment to women running for political office, and grant programmes had been established to encourage them to do so.

27. **Ms. Zachariášová** (Czech Republic) said that the Gender Equality Strategy for 2014-2020 set out specific goals for the Gender Equality Unit, which currently had 10 employees, the highest number in its history. The Unit's mandate was to coordinate the Government's gender equality policies and, to that end, it organized regular workshops and meetings with the gender focal points in government ministries. The Unit also served as the secretariat of the Government Council for Equal Opportunities for Women and Men and formulated the Government's response to European Union directives, regulations and decisions regarding gender equality.

28. In July 2015, a proposed amendment to the Election Act to introduce a "zipper system" for candidate lists for elections to the Chamber of Deputies and to regional councils had been rejected by the Government, but the process had triggered a wide-ranging debate on the topic of quotas, which had historically received little public backing, and some political parties had since taken steps to boost women's representation. The Chamber of Deputies was debating whether or not to consider a redrafted amendment and, at the end of 2015, in contrast to its previous stance, the Government had expressed approval of legislation proposed by the European Commission to increase the number of women in non-executive board-member positions in publicly listed companies.

29. **Ms. Nwankwo** said that the delegation had not yet indicated whether the Action Plan for Equal Representation of Women and Men in Decision-making Positions for 2015-2018 had been submitted to the Government. She wished to know what practical measures were envisaged in the Plan and whether the Government would consider broadening the scope of the Anti-Discrimination Act to cover political participation.

30. **Ms. Haidar** enquired about the extent of cooperation between the Gender Equality Unit and civil society, including in relation to the implementation of the Committee's concluding observations.

31. **Ms. Baršová** (Czech Republic) said that there were no plans to expand the scope of the Anti-Discrimination Act and that rules governing political participation were already in place. Cooperation with civil society was fundamental to the work of the Government Council for Equal Opportunities for Women and Men.

32. **Ms. Zachariášová** (Czech Republic) said that the Action Plan for Equal Representation of Women and Men in Decision-making Positions for 2015-2018 was ready and should be presented to the Government within a month. Its submission had initially been scheduled for the end of 2015, only to be delayed by the need for further discussions with business representatives. Half the members of the Government Council for Equal Opportunities for Women and Men came from civil society organizations, which had helped to draft the Gender Equality Strategy for 2014-2020 and to give effect to the Committee's previous recommendations.

33. **Ms. Chalal** said that she wished to know what was being done to prevent employers from discriminating against mothers or pregnant women in terms of

recruitment and to raise awareness of gender issues among stakeholders in cultural, economic and political life. She would appreciate an update on the status of the methodology for identifying and countering sexism in advertising, which, according to paragraph 16 of the replies to the list of issues (CEDAW/C/CZE/Q/6/Add.1), should have been drawn up by the end of 2015. It would be helpful if the delegation could elaborate on the nature and objectives of the methodology. It would also be useful to know whether the State party intended to strengthen its labour relations legislation and to impose sanctions to discourage sexism in the labour market. How large was the budget allocation for combating gender stereotypes? She would be interested to learn whether new technology and social media would be used to intensify efforts to raise awareness of gender issues.

34. **Ms. Acar** said that she wondered why the names of the State party's committees, councils and action plans to combat domestic violence and violence against women, made reference only to prevention rather than also to the elimination of violence. The name of the Action Plan for the Prevention of Domestic and Gender-Based Violence for 2015-2018 raised some questions in her mind, since gender-based violence and violence against women were not the same thing; focusing efforts on the former could reduce their effectiveness in eradicating the latter. She wished to know what percentage of domestic violence victims were women, why violence against women was not being addressed directly by Czech society and why the State party had still not signed or ratified the Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).

35. She would appreciate a description of the frequency and quality of the training given to police officers and health professionals who came into contact with victims of violence against women. Were specialized social services provided specifically to those victims? She also wished to know what kinds of services were offered in intervention centres, who ran and funded the centres, what percentage of the funding for victim support programmes and facilities came from the State and what percentage of the State budget was allocated to fighting violence against women. Information on the number and location of shelters for victims of violence against women would also be welcomed.

36. **Ms. Leinarte** said that she would appreciate additional details on the protection afforded to victims of human trafficking, particularly women and girls who had been trafficked for sexual purposes. She would like to know whether victims had access to shelters and to other forms of assistance, including psychological support, whether services were available to all victims irrespective of their country of origin and whether foreign victims were able to remain in the country even if they refused to cooperate with the police. She invited the delegation to explain how the project to support and protect victims of trafficking that was mentioned in paragraph 110 of the periodic report (CEDAW/C/CZE/6) tied in with the National Strategy for Combating Human Trafficking. She would appreciate information on the measures outlined in the two plans and on the budgets allocated to them. Details of regional cooperation and agreements for the prevention of human trafficking would also be helpful. She would welcome information about the status, content and aims of the bill to regulate prostitution and the delegation's comments on any public debates that had taken place on the matter. Were programmes in place for women wishing to exit prostitution?

37. **Mr. Šafařík** (Czech Republic) said that although the names of the State party's action plans on domestic violence and violence against women made reference only to prevention, the objectives of the plans included the protection of victims and the prosecution of perpetrators. The Action Plan for the Prevention of Domestic and Gender-Based Violence for 2015-2018, which had been approved in February 2015, drew on the Committee's general recommendation No. 19 and included 70 specific

measures related to, inter alia, rape, sexual harassment, stalking and the provision of social services.

38. There were 17 intervention centres in the Czech Republic, with at least one in the capital and in each of the 13 regions. The centres provided legal and psychological assistance, including crisis intervention, and were staffed by interdisciplinary teams with representatives of NGOs, the police force and the judiciary. Additional social services were provided by NGOs and were funded, in part, by the Ministry of Labour and Social Affairs and by regional authorities. In 2015, social services had been provided across the country to hundreds of women victims of domestic violence and members of other target groups. There were four shelters for women victims of domestic violence, and the objective was to open at least one in every region of the country.

39. **Ms. Belloňová** (Czech Republic) said that, in 2014, 80 per cent of the victims of domestic violence had been women. The Istanbul Convention had not been ratified as it had not been a political priority until 2015. In October of that year, the Government had requested the Ministry of Justice to submit the instrument of signature to that treaty, and it had approved that instrument in February 2016. By the end of 2017, the Ministry was to have proposed measures for incorporating the Convention into Czech legislation and, by the end of 2018, to have submitted a proposal for the ratification of the Convention to parliament. The majority of the provisions of the Convention were already being implemented under national laws, and steps were being taken to remove any remaining inconsistencies ahead of ratification.

40. **Mr. Potměšil** (Czech Republic) said that the police received training on how to deal with cases of domestic and gender-based violence as part of their basic training package. The programme to assist victims of human trafficking was intended for both men and women, regardless of their country of origin or the form of exploitation to which they had been subjected. Initially, victims were provided with accommodation and counselling for two months while they decided whether they wished to cooperate with the police and public prosecutors. If they agreed to do so, they were entitled to those services for a longer period. A number of information campaigns on human trafficking had been launched. The organized crime unit of the police worked with the Labour Inspectorate to prevent human trafficking. Moreover, the Judicial Academy provided training to public prosecutors and judges on that subject. The Government of the Czech Republic was working closely with the Government of the United Kingdom to stem the flow of trafficked persons arriving in the latter's territory and with the Organization for Security and Cooperation in Europe (OSCE) to address the issue of human trafficking in general.

41. **Ms. Dianišková** (Czech Republic) said that there was a team of labour inspectors responsible for monitoring compliance with the standard of equal treatment for men and women in the workplace that was set forth in the Labour Code. Those labour inspectors regularly attended seminars on gender equality in the labour market and consulted NGOs on that subject. Approximately 150 cases of gender-based discrimination in the workplace were reported each year.

42. **Ms. Zachariášová** (Czech Republic) said that the Government also ran a grant programme for NGOs working in the area of gender equality which had served to enhance the impact of the Government's strategy for gender equality for 2014-2020. A number of initiatives to combat negative stereotypes and sexist attitudes in Czech society were being undertaken by NGOs. The Anti-Discrimination Act laid down a definition of sexual harassment which served as the legal basis for dealing with sexist behaviour in the workplace.

43. **Mr. Šafařík** (Czech Republic) said that sexist advertising was prohibited in the Czech Republic. The body responsible for monitoring advertisements in order to detect sexist content had begun to make use of a special methodology devised by a government ministry in cooperation with NGOs and the Ombudsperson with a view to facilitating that task.

44. **Ms. Baršová** (Czech Republic) said that the new law governing the recruitment of civil servants provided more effective guarantees against gender-based discrimination in the government service. The existing legal framework for penalizing gender-based discrimination in the workplace was sufficient; the problem lay in ensuring that the competent authorities applied those penalties effectively. The Government would continue working to improve the efficiency of the Labour Inspectorate with a view to heightening its effectiveness in combating discrimination.

45. **Ms. Zachariášová** (Czech Republic) said that there were no plans to adopt a law to regulate prostitution. While such a law had been proposed on a number of occasions in the past, the inability of civil society to reach a common position on the subject had prevented a bill from being put forward for adoption. The Government would continue to assist women wishing to leave prostitution through social programmes tailored to their specific needs. If civil society could reach a common stance on the issue, then the adoption of such a law would become a possibility.

46. **Mr. Marounek** (Czech Republic) said that victims of violence had access to health-care services and that the cost of those services was covered by the Czech State health insurance.

47. **Ms. Hofmeister** said that the plight of the Roma was chiefly the result of a long history of discrimination and social exclusion. Roma women, in particular, were often subject to multiple forms of discrimination, primarily on the grounds of gender, but also on the grounds of ethnicity and, in some cases, disability. She would like to know whether the Roma community was a legally recognized national minority and what measures the State party had taken to counteract the widespread bias against that community and to curb hate speech directed at its members. Turning to the practice of forced sterilization, she wished to know more about the exact nature of the obstacles to the introduction of a compensation scheme for women who had been forcibly sterilized and to have some idea of how many women would be entitled to compensation under such a scheme.

48. **Ms. Acar** asked whether stalking, including cyberstalking, was prohibited under Czech criminal law and whether it was characterized as a form of violence against women. Noting that the Czech Criminal Code defined rape as sexual intercourse carried out through violence or threat of violence, or through abuse of the victim's vulnerability, she wished to know whether the differential power relations between the perpetrator and the victim were taken into account when determining whether the victim's vulnerability had been taken advantage of or whether the victim had consented to the sexual intercourse. Were judges provided with training on that topic?

49. **Ms. Baršová** (Czech Republic) said that, when the country had been under communist rule, efforts had been made to integrate the Roma community into all spheres of society, including the labour market, and those efforts had proved largely successful. The Roma community enjoyed the status of a national minority in the Czech Republic and was represented by a special council. The council dealt with specific issues affecting the integration of the Roma community into Czech society, which tended to be more complex than the issues facing other minorities. The language of the Roma community was also recognized as a minority language, in accordance with the European Charter for Regional or Minority Languages.

50. The practice of forced sterilization had been chiefly attributable to the poor management of health-care services and to the attitudes to forced sterilization that had prevailed under the communist regime, in which less importance had been attached to civil liberties and freedoms and to obtaining informed consent for such procedures. A compensation scheme for women who had been forcibly sterilized had not been introduced because it was not considered to be the most effective remedy. The total number of women who would benefit from such a scheme was difficult to determine.

51. **Ms. Belloňová** (Czech Republic) said that stalking, including cyberstalking, was expressly prohibited by the Criminal Code. The case law of the Supreme Court provided that differential power relations between a perpetrator and victim could not be taken into account for the purposes of proving rape but could be taken into account for the purposes of proving sexual coercion, which was also a criminal offence.

52. **Mr. Šafařík** (Czech Republic) said that the Action Plan to Prevent Domestic and Gender-Based Violence incorporated studies and statistics on the prevalence of those phenomena in Czech society. The plan focused not only on preventing domestic and gender-based violence, but also on eliminating it. Moreover, it took account of the gender-specific needs of women, who were disproportionally affected by those forms of violence.

53. **Ms. Baršová** (Czech Republic) said that, while the Government attempted to use information and communication technologies to raise public awareness about gender-based violence, it was fully aware that such technologies could also breed more insidious forms of violence against women, such as cyberstalking, which could necessitate the adoption of further legislation.

54. **Ms. Zachariášová** (Czech Republic) said that the Government planned to conduct a study on cyberbullying and cyberviolence. The study would include an analysis of relevant legislation and present ways of dealing with those phenomena, as well as good practices used in other countries.

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55. **Ms. Nwankwo** said that, according to statistics collected by the Inter-Parliamentary Union, as at 1 January 2016, the Czech Republic had been ranked 88th in the world in terms of the number of women in its national parliament. While progress had been made in increasing the number of women in leadership positions in the State party, much remained to be done. She welcomed the considerable increase in women's representation in ministerial positions and the fact that 61 per cent of the members of the judiciary were women. However, the State party was still far from achieving the target level of representation of women of 40 per cent in all other sectors. In its previous concluding observations (CEDAW/C/CZE/CO/5), the Committee had expressed concern that women, in particular Roma women, continued to be significantly underrepresented at all decision-making levels, including both chambers of parliament, regional and local assemblies, the executive branch and senior positions in the government administration and the diplomatic service. While some progress had been achieved under the various initiatives undertaken to correct that anomaly, the State party should step up its efforts in that area. It would also be helpful if the delegation could provide statistics on the level of participation of women in the diplomatic service and in international organizations and on the measures in place to guarantee equal opportunities for women to represent their Government at the international level.

56. **Ms. Nadaraia** said that it was the Committee's understanding that the recently adopted law on citizenship laid down more detailed conditions for acquiring Czech citizenship, the fulfilment of which did not necessarily result in the conferral of that

right, as the decision was often left to the discretion of the competent authorities. While the law provided for the possibility of holding dual citizenship, it applied stricter rules to the transmission of Czech citizenship to a child born out of wedlock to a non-Czech mother and a Czech father. Under that law, the child could only obtain Czech citizenship if his or her paternity was confirmed by the courts. Even if the mother and father submitted a joint declaration of parenthood to the courts, the child could only obtain Czech citizenship if his or her mother held a permanent residence permit or was stateless, or if the child's parents consented to a DNA test to confirm paternity, which amounted to discrimination against the mother. She invited the delegation to provide additional information on the law in question.

The meeting rose at 1 p.m.

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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-third session

Summary record of the 1386th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 23 February 2016, at 3 p.m.

Chair: Ms. Hayashi

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Sixth periodic report of the Czech Republic (continued)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of the Czech Republic (continued) (CEDAW/C/CZE/6; CEDAW/C/CZE/Q/6 and Add.1)

Articles 7 to 9 (continued)

1. *At the invitation of the Chair, the delegation of the Czech Republic took places at the Committee table.*

2. **Ms. Baršová** (Czech Republic) said that there had been a lengthy debate in the Czech Republic on the possibility of amending the Citizenship Act. That new law was a positive development and was evidence of the Government's openness to dual and multiple citizenship.

3. **Ms. Pokorná** (Czech Republic) said that the new law on citizenship, which had come into force in January 2014, provided new avenues for obtaining Czech citizenship. That legislation had been introduced in order to provide the necessary tools to verify the veracity of the joint parental declarations used to determine the citizenship of newborn children.

4. **Ms. Cardona Ševčíková** (Czech Republic) said that 17 per cent of Czech ambassadors were female, and women made up 29 per cent of her country's special representatives to international organizations. A number of concrete measures had been introduced to promote a better work-life balance for persons working in those fields. For example, a kindergarten had been opened for the children of people working in the various ministries, and women were offered flexible working arrangements which included the option of working from home.

5. **Ms. Baršová** (Czech Republic) said that her Government needed to compile more detailed data on the number of women working in international tribunals and might need to amend the rules to make the appointment and nomination process more favourable for female candidates.

Articles 10 to 14

6. **Ms. Al-Dosari** said that, while the Committee appreciated the information on gender equality in education that had been provided in the State party's report, more detailed information would be appreciated on how textbooks had been adapted in order to incorporate a gender perspective and to promote gender parity. Was the subject of reproductive health and responsible sexual behaviour included in mandatory school curricula and in the National Action Plan for Inclusive Education? Further information on the steps taken to address the situation of the large number of girls who dropped out of education, especially Roma girls and girls belonging to socially marginalized groups, would be appreciated. Gender-based discrimination was apparently quite prevalent in secondary schools. What measures had been taken to eliminate such discrimination in the education system, especially in secondary and tertiary institutions? While the number of women in higher education was on the rise, the Committee would like to know what specific challenges needed to be overcome in order to encourage more women to undertake research and complete degrees at the Master's and PhD levels. What measures were being taken to tackle the issue of discrimination against women and gender-based stereotyping in management and decision-making roles in the education sector?

7. **Mr. Bruun** said that quite specific recommendations regarding employment had been made by the Committee following its last meeting with the State party. However, it appeared that rather limited progress had been made since then. The Committee would like to know what the State party planned to do differently in the coming years in order to implement the provisions of the Convention more fully. The persistence of vertical and horizontal gender segregation and the wide pay gap in the State party were matters of concern to the Committee. The low minimum wage, which a larger proportion of women than men received, placed wage earners below the poverty line. Were figures available on exactly how many women and how many men earned that wage and were there plans to raise it in the future? The efforts made by the State party to reconcile professional and family life were commendable, but the Committee would like to know how many men actually took parental leave and whether or not there were plans to encourage more men to do so. The Committee was also concerned that the support shown by the Government for flexible and part-time working arrangements could cause more women to end up in low-paid, part-time work.

8. Was it true that migrant women were excluded from the health coverage provided by the social security system? On the issue of access to justice in discrimination cases, some employees had reportedly encountered difficulties in filing complaints with the Office of the Ombudsman. The introduction of the *actio popularis* proceedings mentioned earlier by the delegation could be a potential remedy for that problem. Were there plans to establish such a procedure?

9. **Ms. Arocha Dominguez** said that the Committee was very concerned about the State party's decision not to provide compensation to victims of forced sterilization. More details about the reasons for that decision would be appreciated. The reference to "intellectual maturity" in paragraph 58 of the replies of the Czech Republic to the list of issues (CEDAW/C/CZE/Q/6/Add.1) introduced an element of subjectivity that could be a cause of concern. Who decided whether or not an individual was intellectually mature and what criteria were used to ensure that the assessment was conducted objectively, especially in the case of minors, ethnic minorities and migrants? The Committee was concerned that decisions regarding sterilization could be arbitrary if no proper mechanisms were in place to prevent that. Regarding the reference to hysterectomies performed following caesarean sections, if the reason for the hysterectomy was that there had been a pre-existing disease of the uterus, why would the pregnancy not have been interrupted? It was unclear why a modern, well-equipped hospital would need to carry out an emergency hysterectomy following a caesarean section.

10. **Ms. Baršová** (Czech Republic) said that progress in implementing the Committee's earlier recommendations had not been made as quickly as the Government would have liked, but nonetheless some progress had been made in, for example, narrowing the gender pay gap. The Government was also committed to raising the minimum wage. However, doing so was a complex undertaking that involved numerous stakeholders, including trade unions. For that reason, progress had been relatively slow.

11. **Ms. Viktorinová** (Czech Republic) said that the minimum wage had been increased to 9,900 Czech koruna as of 1 January. A five-year project supported by the European Social Fund aimed to reduce the pay gap in order to bring it into line with the European Union average. The project would include awareness-raising campaigns, support for the Labour Inspection Office and, potentially, the development of online tools to assist employers in carrying out wage audits. A family policy strategy was being developed to tackle the issues raised by the shortage of full-time positions for people who had accepted part-time work because that was all that they could find. The comprehensive strategy would include a range of measures and tools for dealing with that problem in the coming years and would also address the Committee's concerns relating to the pay gap. Employers would be

required to give their part-time employees priority when recruiting for full-time positions, and the legal framework for the protection of part-time workers would be strengthened.

12. It was true that there was an insufficient supply of childcare services in the Czech Republic. However a law had been adopted in November 2014 on the creation of affordable, non-commercial childcare services. The Government provided funding and methodological assistance to those centres, and tax deductions were also offered to parents to make childcare options more affordable. The fact that so few men (1.8 per cent) took parental leave was to be addressed in the family policy strategy. An expert commission had been set up on that subject and had proposed a number of measures, including an improved paternity benefit to be paid to new fathers and the combination of paternal and maternal leave allowances.

13. **Mr. Pavlík** (Czech Republic) said that the education system was deregulated and that schools were independent legal entities administered by municipal and regional councils. The Ministry of Education therefore did not have the authority to intervene in order to regulate the system. Textbooks did not have to have the approval of the Ministry of Education in order to be used in schools; however, there was a textbook certification process and a set of guidelines for that purpose which covered the incorporation of a gender perspective along with other aspects of their content. The underrepresentation of women in higher education and research positions was also difficult for the Government to remedy, since universities and other research institutions were fully independent from the State. The National Action Plan for Inclusive Education, which had been adopted in 2015, called for the introduction of a number of provisions that would benefit children with special needs and children belonging to ethnic minorities and other disadvantaged groups. It also set out the necessary funding arrangements to finance those measures. The Romani Integration Strategy covered primary and secondary education and promoted inclusive education for Roma children.

14. **Mr. Marounek** (Czech Republic) said that hysterectomies were usually carried out because of pre-existing disease, not as a method of forced sterilization. The attending physician informed the patient of the nature of the medical procedure, and the patient could then give her consent for the procedure after the statutory waiting period. However, if a hysterectomy was carried out as an emergency procedure, it was considered as urgent care and did not require the patient's consent so long as it did not conflict with her living will. Patients who were minors or who otherwise did not have the necessary legal capacity to give their own consent could undergo a sterilization procedure only after the consent of a legal guardian or on the recommendation of an expert committee which was subsequently reviewed by a judge. The attending physician also had to submit the patient's written consent to the court; if the patient was unable to give her consent because of a lack of intellectual capacity, an explanation of that situation also needed to be provided in the submission.

15. **Ms. Baršová** (Czech Republic) said that medical insurance was compulsory for migrants. Migrants who were permanent residents and those who were legally residing in the territory of the Czech Republic and had work contracts were covered by the general health insurance scheme. Persons in some other categories, such as those who had been issued a permit under family reunification provisions, were required to have insurance but were not eligible for the national health-care scheme.

16. **Ms. Pokorná** (Czech Republic) said that there were over 266,000 migrants in the Czech Republic and 182,000 of them had public health insurance coverage. In 2014, research on health care for migrants in the Czech Republic had led the Government to decide to introduce new legislation under which public health insurance could be granted to specific categories of migrants who had previously not been insured; under that legislation, health insurance companies would be required to provide insurance to all migrants residing

in the Czech Republic. It was hoped that the proposed legislation would be adopted by the end of 2016.

17. **Ms. Zachariášová** (Czech Republic) said that the National Contact Centre — Women and Science worked in close cooperation with government advisory bodies to promote equality between women and men through a range of activities, including the provision of inputs on political and strategic documents concerning science. As for the bill on the regulation of prostitution, that legislation was still pending in the Chamber of Deputies. It was, however, not supported by the Administration. Following the first reading, the bill had been considered by the Petitions Committee, as were all legal proposals; that body had also issued a negative opinion and recommended that the Chamber of Deputies should reject the bill and request the Administration to deal with the issue directly.

18. **Ms. Baršová** (Czech Republic) said that the ongoing debate on the bill on prostitution demonstrated that there was a lack of agreement on the issue; the Government would endeavour to adopt a more unified position in the near future.

19. **Ms. Viktorinová** (Czech Republic) said that, in the first half of 2015, some 127,000 employees had been earning the minimum wage; of those, 67,000 were men and 60,000 were women.

20. **Ms. Arocha Domínguez** said that more specific data should be provided regarding maternal health, including the number of caesarean sections and episiotomies that were carried out. The figures that were available appeared higher than those of the rest of Europe and above the levels recommended by the World Health Organization. Without detailed data, it was difficult to judge whether or not the number of such procedures was excessive.

21. **Ms. Al-Dosari** said that the reporting State should provide further information on the integration of Roma children in public schools. If the central government was not responsible for such affairs, it would be useful to know which institutions were expected to carry out such integration measures. As for women in decision-making positions, she wished to know whether any laws had been enacted to enable women to gain access to such positions without having to resort to gender equality mechanisms. Specific programmes should also be in place to help women in that regard.

22. **Ms. Baršová** (Czech Republic) said that the education of Roma children was a broad and complex issue. Roma children were one of the focuses of the effort to overhaul the education system in order to make it more inclusive for all disadvantaged groups. The Minister for Human Rights, Equal Opportunities and Legislation had launched an initiative whereby State school inspection teams identified those schools with higher concentrations of disadvantaged children, and persons from outside the school, who were usually Roma or close to the Roma community, were then invited to visit those schools in order to analyse the situation. That approach made it possible to determine whether schools were deliberately segregating Roma children from other children. Other measures aimed at helping disadvantaged groups included the establishment of the Agency for Social Inclusion, under the Ministry for Human Rights, Equal Opportunities and Legislation, which targeted the municipalities with the worst economic situations and the highest social exclusion indices, which also tended to be those with higher concentrations of Roma individuals. Since schools were primarily administered by the municipalities, the Government was working with them to find solutions at the local level. Municipalities also received financial support from the European Union funds that had been established to promote the integration of Roma and other marginalized communities. The Government Council for Roma Affairs had set up a scheme to assist municipalities and local communities to launch projects involving Roma minorities; they also provided support for children's extracurricular activities which might not otherwise be accessible. Implementation of the National Action Plan for Inclusive Education was under way but

much remained to be done. Moreover, segregation also continued to pose a challenge in the labour market. It was important to note that government policies were not the only factor in that regard; individuals also had preferences, whether or not they were based on stereotypes. The Government had a part to play in changing such attitudes, but it would take time for its efforts to produce results.

23. **Mr. Pavlík** (Czech Republic) said that, in addition to the education measures already mentioned, the Agency for Social Inclusion collaborated with the Ministry of Education, Youth and Sport to provide guidance for inclusive education initiatives; its efforts were focused almost exclusively on the Roma community. The Government was aware that a number of children had been inappropriately placed in certain primary schools. New legislation would establish an improved methodology for the school placement of children with special needs and would provide for the establishment of a supervisory body to monitor their placement. If parents were unhappy with that body's recommendation, they would be able to appeal it. Although inclusive education had been a priority for the Government since 2005, no funds had previously been specifically allocated for its promotion; it was hoped that the funds to be earmarked for that purpose as from September 2016 would make the system more effective.

24. Passing a law on the equal representation of women and men at the decision-making level in schools and universities would constitute a fundamental change in the education system. He did not believe that there was sufficient political will to introduce such an enormous change as yet.

25. **Mr. Marounek** (Czech Republic) said that episiotomies were carried out in between 5 and 70 per cent of vaginal deliveries in Europe; in the Czech Republic, the percentage hovered around 35 per cent but had been declining for years. Forceps were used in between 6 and 15 per cent of deliveries in Europe; in the Czech Republic, the figure had long been less than 2 per cent. Caesarean sections were a growing trend globally, in part because of the increasing average age of mothers: the Czech Republic represented the median in Europe, with caesarean sections accounting for some 25 per cent of all deliveries.

26. Sterilization should no longer be seen as a concern. The Czech Republic now had legislation that effectively protected women; physicians were in fact reluctant to carry out any sterilizations lest they be sued for malpractice. It was truly regrettable that a number of women had undergone forced sterilizations during the communist period when the country had been part of the former Czechoslovakia. Besides expressing those regrets and attempting to compensate those women, it was difficult to know what other measures to take, not least because so many medical records had been destroyed during the communist period. The Ombudsperson, when consulted years ago about the number of women concerned, had stated that it was estimated at fewer than 100. The Government would welcome suggestions on how better to handle the issue.

27. **Ms. Zachariášová** (Czech Republic) said that the working group established by the Government Council for Equal Opportunities for Women and Men to focus on the issue of gender equality in relation to obstetrics in the Czech Republic was preparing recommendations to be submitted shortly to the Government Council.

28. **Ms. Ameline** said that, in the context of the migration crisis in Europe, she would like to know what measures the reporting State had put in place to welcome migrant women, who were especially vulnerable to violence and trafficking. It was unfortunate that, despite the considerable progress made by the reporting State in fighting poverty in the past, the trend had reversed beginning in 2010. She wondered what measures were being taken to provide shelter and health care to the 9.7 per cent of people living under the poverty threshold. A clear-cut strategy was needed to ensure that women, who were especially vulnerable in such situations, did not suffer from multiple forms of discrimination. Lastly,

she would like to invite the reporting State to elaborate on the social and economic priorities that it had identified in rural areas with a view to ensuring that women were not merely beneficiaries of assistance measures but decision-makers who contributed to the country's development.

29. **Ms. Baršová** (Czech Republic) said that the Czech Republic was a relatively small country that had become industrialized in the nineteenth century, so there were few remote rural areas left. Disparities between regions naturally existed, however, and the shortage of affordable housing led to the concentration of disadvantaged persons in certain areas.

30. **Ms. Viktorinová** (Czech Republic) said that a set of measures and tools were in place to help shield women from poverty. Work was being done on the issue of advance alimony payments, and steps were being taken to narrow the gender pay gap. In particular, the Government intended to provide support for flexible working arrangements, which would have to be underpinned by improvements in the quantity and quality of childcare services. A subsidy for family support services was in place.

31. **Ms. Dianišková** (Czech Republic) said that legislation on social housing had been given preliminary approval in October 2015, and a bill would be submitted to the parliament within the coming months. The bill would provide for assistance for families that were on the verge of losing their homes and for older persons, single mothers, persons with disabilities and victims of domestic violence. Employment programmes were also in place to provide women with reskilling opportunities, and a grant of 50,000 koruna per person over a three-year period was available for that purpose. In addition, the Government had set up a system whereby a woman could raise her income by engaging in socially useful employment, often in the community, or could be given individual job placement assistance. Women with disabilities were provided with counselling, rehabilitation and individual action programmes.

32. **Ms. Baršová** (Czech Republic) said that the Government was focusing its efforts on marginalized areas. In 2014, an independent consultancy had conducted a mapping exercise to establish how many socially excluded localities there were in the country. It had identified 606 such localities, occupied by some 188 persons per locality, on average, for a total of between 95,000 and 115,000 persons. Most of those localities were situated on the outskirts of towns or near the borders of other countries. The Government, acting through the Agency for Social Inclusion, would draw on European Union funds to improve the situation. Homelessness was also a problem: depending on the methodology used to determine a person's status, there were 30,000 or more homeless people. Social services did what they could, but much was also done by NGOs, charities and churches. The Czech Republic had not been entirely prepared for the influx of refugees, although the signs of its imminence had been clear, and many of the participants in the public debate surrounding the subject were not well informed. The body responsible for dealing with the situation was the Government Council for Human Rights. It was, however, important to observe the distinction between refugees and migrants: some economic migrants wanted only to pass through the Czech Republic on their way to other countries.

33. **Ms. Pokorná** (Czech Republic) said that the Government had put in place a national plan for the integration of persons under international protection which provided for a number of different types of activities, including courses in the Czech language and on other aspects of Czech society. Refugees, including women with young children, also received housing assistance. Integration centres located throughout the country were open to all migrants and provided counselling, legal aid services and social services.

34. **Ms. Ameline**, after pointing out that the refugee crisis represented a departure from the traditional sort of migration flows, said that the Government should take account of the Committee's general recommendations on women in conflict prevention, conflict and post-

conflict situations and on gender-related dimensions of refugee status, asylum, nationality and statelessness of women, as well as Security Council resolution 1325 (2000) on women, peace and security. The State party was to be commended upon its decision to convey humanitarian aid to victims of the war in Syria through its embassy in Damascus.

Articles 15 and 16

35. **Ms. Nadaraia** said that the State party would be in breach of article 15 if it prohibited young women with intellectual disabilities from marrying. Moreover, a court that decided on a woman's legal capacity could also determine her ability to assume parental responsibilities under article 858 of the Civil Code. She would like to know when the Government planned to repeal articles 673 and 865 of the Code so that all women could enjoy the right to married life. It appeared that women with disabilities who cared for young children received no specific support apart from disability benefits. It was her understanding that they were granted only four hours of child support services per week and that no outreach or ambulance services were provided. As a result, the children of such women were often placed in institutions, even when such action was unnecessary. She wished to know how the Government intended to improve the situation and what policies were in place to enable women with disabilities to exercise their right to family life.

36. She wished to draw the State party's attention to the plight of migrant women, especially from Ukraine, who faced difficulties in obtaining visas, even if they had relatives in the Czech Republic. Online visa checkpoints were overloaded and usually inaccessible. Moreover, visas were very expensive. Those circumstances sometimes prompted Ukrainian women to enter the country illegally. How did the Government intend to rectify that situation?

37. **Ms. Baršová** (Czech Republic) said that the Government was aware that the visa application procedure was not functioning properly. The situation had been raised just the previous day at a meeting of the Government Council for National Minorities. At that meeting, it had been decided that the Committee for the Rights of Foreigners, which was a body of the Government Council for Human Rights, would take action to improve the system. She knew no further details, but some progress was being made.

38. **Ms. Belloňová** (Czech Republic) said that, following the entry into force on 1 January 2014 of the new Civil Code, the restrictions on marriage for women with disabilities were no longer in force except in extreme cases. Moreover, a court decision restricting the legal capacity of a person with disabilities had to be reviewed every three years. A restriction on legal capacity did not automatically mean that a person could not marry: the courts considered individual cases as a whole and then ruled on the legal capacity or ability to assume parental responsibilities of the person concerned. Statistics from the Department of Justice showed that, in 2014, there had been a total of 2,700 cases in which restrictions were placed on a person's legal capacity (the statistics did not distinguish between the sexes). In only 31 of those cases had women been deprived of parental rights, and in 188 cases their parental responsibilities had been restricted. In other words, parental responsibilities had been limited in only 10 per cent of the total cases of restricted legal capacity, and more men than women had been deprived of such rights. That kind of action was taken only in very serious cases of, for example, child abuse or serious neglect. Courts always based their decisions on the best interests of the child.

39. **Mr. Marounek** (Czech Republic) said that the Government ran a programme under which a mother with disabilities whose child was under 3 years of age could be placed in a Ministry of Health institution for a short time so that she could be shown how to care for her child at home and given counselling and support.

40. **Ms. Dianišková** (Czech Republic) said that, although women with disabilities who had dependent children received no specific benefits, they were provided with a mobility allowance and a childcare allowance, which, under proposals currently before the parliament, were due to be increased by 10 per cent in August 2016.

41. **Ms. Schulz** asked whether the draft Act on Substitute Alimony mentioned in paragraph 206 of the State party's report (CEDAW/C/CZE/6) had been adopted and whether, under that law, substitute alimony payments were made if a spouse did not pay alimony. If such a system was in place, she would like to know whether it also applied to partners in a de facto union. She also wished to know what economic consequences of the dissolution of such a union had been identified in the course of the research on that subject which the Committee had asked the State party to undertake in paragraph 41 of its previous concluding observations (CEDAW/C/CZE/CO/5). Lastly, with reference to paragraph 205 of the report, she would be interested to learn whether there had been any cases in which a person had claimed in court that his or her spouse had taken employment that was detrimental to the family. A similar provision in her country had been repealed because, owing to stereotyped views of women and men, the court's decision often went against the woman.

42. **Ms. Baršová** (Czech Republic) said that the Government would take the final point raised by Ms. Schulz into consideration.

43. **Ms. Dianišková** (Czech Republic) said that the Ministry of Labour and Social Affairs was currently drafting legislation on advance alimony and was in the process of consulting various ministries and deciding on detailed aspects of the provisions to be included in the text.

44. **Ms. Viktorinová** (Czech Republic) said that the economic consequences of the dissolution of a de facto union would be addressed under the Government's family strategy, which, it was hoped, would provide for greater flexibility in employment.

45. **Ms. Belloňová** (Czech Republic) said that partners in a de facto union did not have the same rights and obligations as a married couple, but the Civil Code provided for the right of the survivor of such a union to inherit the property of a deceased partner and to be transferred leases that had been in the deceased partner's name.

46. **Ms. Baršová** (Czech Republic) thanked the Committee for its questions. A number of issues had been raised for the first time, and the Government would make an effort to incorporate the Committee's views into its policies.

The meeting rose at 5.15 p.m.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth and fifth periodic reports of Vanuatu (CEDAW/C/VUT/4-5; CEDAW/C/VUT/4-5 and Add.1)

1. *At the invitation of the Chair, the delegation of Vanuatu took places at the Committee table.*

2. **Ms. Kenneth** (Vanuatu), introducing the combined fourth and fifth periodic reports of Vanuatu (CEDAW/C/VUT/4-5), said that gender equality was fundamental for human rights, democracy, social justice and sustainable development in Vanuatu. In the years since her delegation had presented its previous report, a new Ministry of Justice and Community Services had been established, which had assisted in monitoring and evaluating compliance with the Convention. The Ministry had also formed a working group that included heads of the judiciary, the police, the Department of Women's Affairs and others tasked with implementing a cross-cutting strategic plan for the period 2014-2017. The strategy included actions to strengthen the links between the customary and formal law systems; improve protection and support for victims of crime; and develop a national framework for the implementation of international treaties and constitutional provisions.

3. Despite the frequent changes in Government, which had affected plans to address discriminatory legal provisions, various measures had been adopted to implement the Committee's previous recommendations (CEDAW/C/VUT/CO/3). By way of example, a working group on the collection of gender-based statistical data had been established, and a gender cluster had been set up in the National Disaster Management Office to address the needs of women and girls in the aftermath of Cyclone Pam.

4. In the field of health care, a reproductive health policy and strategy for the period 2016-2018 had been adopted, which encompassed seven policy areas, including family planning and gender-based violence. A national strategy on HIV/AIDS and sexually transmitted infections was in the final stage of drafting and a reproductive, maternal, newborn, child and adolescent strategy aimed at strengthening the health-care system had been funded by the Government and its development partners. A new health information system unit had also been launched in order to capture data and provide for greater transparency.

5. While various modern contraceptive methods were available, there had been an increase in the number of teenage pregnancies. It was clear that more needed to be done to prevent unwanted teenage pregnancies and raise awareness of the risks of unsafe sex. To that end, a family life education syllabus was currently awaiting approval.

6. Regarding gender mainstreaming in education, efforts had been made to remove gender-based stereotypes from secondary school materials. The Inclusive Education Policy of 2010 had contained proposals for improving accessibility for children with disabilities and providing training to teachers.

7. The amendments to the Municipalities Act in 2013, including a 30 per cent quota for women sitting on the Port Vila Municipal Council, had led to more regular attendance at Council meetings and a reduction in the debt incurred by the previous Council.

Articles 1 to 6

8. **Ms. Haidar**, while welcoming the State party's commitment to its treaty obligations and the progress so far made, said that the Committee was concerned that the Convention had not been fully incorporated into the domestic legislation, in accordance with the Committee and universal periodic review recommendations. Moreover, neither the Constitution nor any other domestic legislation contained a definition of discrimination against women that encompassed both direct and indirect discrimination, in accordance with article 1 of the Convention. Similarly, the Committee remained concerned that cultural and religious norms, some of which had an adverse impact on women's enjoyment of their human rights, were given a status equal to legal norms and that the principles of equality between women and men and non-discrimination did not override norms of customary law that ran counter to them. Since customary law predominated in disputes over ownership of land, how did the State party intend to uphold land and other rights when they conflicted with customary law? What was the role played by the National Council of Chiefs in such matters?

9. Referring to two decisions of the Supreme Court in respect of marital rape and equal rights in the division of marital property, she asked what the legal costs of trying those cases had been and whether there were any financial or other barriers deterring women from bringing such cases before the courts. It would also be interesting to know whether a national human rights institution in line with the Paris Principles had now been established.

10. **Ms. Kenneth** (Vanuatu) said that, at the present time, there was no time frame for the amendment of the Constitution to bring it into line with the Convention. With respect to ownership of land, customary law prevailed in the event that it conflicted with the provisions of the Convention. However, any customary law governing land ownership must uphold the fundamental rights of women enshrined in the Constitution, as had been confirmed in the case of *Noel v. Toto* before the Supreme Court in 1995. Although custom was the main basis for determining land ownership, such custom was subject to the Constitution, which protected the right to equal treatment in administrative action. Moreover, the Customary Land Management Act, which regulated how land ownership was determined under customary law, did not prohibit women from attending proceedings on land ownership or voicing concerns over their interest in the land.

11. **Mr. Natuman** (Vanuatu) said that any proposals to amend the Constitution, including incorporating a broader definition of discrimination, required a parliamentary majority, something that the Government had not yet achieved. The National Council of Chiefs played no role in land ownership since all such matters now came under the new Customary Land Management Act, with local institutions in each village determining land ownership in accordance with customary law.

12. **Mr. Waqanitoga** (Vanuatu) said that while the Government was actively looking to build capacity for providing legal assistance, no firm plans or financial resources had yet been committed to that endeavour. It was hoped that the strategic plan for the period 2014-2017 would make it possible for that to occur.

13. The Ministry of Justice was exploring ways of ensuring that women were equally represented on village and community tribunals where customary ownership of land was determined. In addition, the Government was actively monitoring the implementation of the Customary Land Management Act in order to identify any areas for improvement.

14. **Ms. Kenneth** (Vanuatu), replying to a question on the establishment of a national human rights institution, said that the Ministry of Justice was currently

assessing whether it should be a separate entity, remain under the authority of that Ministry or be part of the Office of the Ombudsman.

15. **Ms. Haidar**, while acknowledging the difficulties associated with amending the Constitution, said that she failed to see how the State party would be able to implement the recommendations of the Committee and those put forward under the universal periodic review process without undertaking legal and constitutional reform. In that connection, she wondered whether a commission had been established or any studies conducted to identify and review any discriminatory provisions, which might then usher in the necessary reforms.

16. The Constitution provided that the National Council of Chiefs could be consulted on any question, particularly where it related to tradition or customs, in connection with any bill before parliament, which indicated that the National Council of Chiefs wielded considerable legislative powers. Since those chiefs were elected by their peers, it would be interesting to know whether there were any women chiefs.

17. **Ms. Patten**, referring to the Judicial Services and Courts Act, under which the courts could adapt legal provisions in order to facilitate the application of customary law, said that it would be useful to hear more about how the State party reconciled the discrepancies between the formal law system and the reality on the ground. She would be interested to know whether the State party had conducted any analysis of the pluralities within, and the relationship between, the two legal systems; how customary and State institutions, such as the police and the prison system, interacted; and how the courts were informed of substantive customary law.

18. Regarding access to justice, she said that the physical geography of Vanuatu represented a particular challenge, as did operational difficulties and the lack of resources. In addition, there was general distrust of what was perceived to be a foreign, predominantly English-speaking legal system, when the majority of the population did not speak that language. What action had the Government taken to address those myriad challenges and their effects on the accessibility and effectiveness of the judicial system?

19. **Ms. Tevi** (Vanuatu) said that an implementation matrix for the period 2014-2018 had been developed to facilitate compliance with the Committee and universal periodic review recommendations. Although the Government did not yet have the capacity to establish a national human rights institution, it was likely that it would be incorporated as a separate entity that would address human rights issues on a case-by-case basis.

20. **Mr. Natuman** (Vanuatu) said that, admittedly, the relationship between the courts and customary law was a complicated one. As things stood, no studies had as yet been undertaken to identify the problem areas, clarify the specific circumstances in which customary law prevailed or analyse the plurality of the legal systems.

21. While there was provision in the Constitution for the National Council of Chiefs to be consulted on draft legislation, such consultation was at the Government's discretion. In fact, consultation with the Council was generally limited to bills that directly affected customary law or land ownership. The composition of the Council was predominantly male owing to the traditionally patriarchal society of Vanuatu. However, no case law existed on whether the title of Chief could be held by a woman.

22. Under the Constitution, all international treaties to which Vanuatu was a party and that affected the status of the people were required to be incorporated into domestic law. As a result, the Convention was regarded as domestic legislation and direct reference to its provisions could be made in the courts. Lastly, although all

proceedings in the Supreme Court and Court of Appeal were conducted in English, translators were provided free of charge.

23. **Mr. Waqanitoga** (Vanuatu) said that customary law was applied mainly in relation to land ownership and that its applicability to marriage, to the dissolution of marriage and to the division of matrimonial property was clearly defined. Although there were currently no plans to strengthen the provision of legal aid on the most isolated islands, the Ministry of Justice and Community Services funded trips by judicial officers with the aim of disseminating information on human rights.

24. **Ms. Haidar** asked what steps were being taken to give training in the Convention to judges, prosecutors and police officers.

25. **Ms. Tevi** (Vanuatu) said that the Regional Right Resource Team and the secretariat of the Pacific Community had been providing continuous training in the Convention and its applicability to police officers and to members of the judiciary.

26. **Ms. Zou** Xiaoqiao, noting reports that the Department of Women's Affairs lacked adequate financial and human resources and that it was largely reliant on the support of bilateral partners, asked what percentage of the budget of the Ministry of Justice and Community Services was allocated to the promotion of gender equality. She said that it would be interesting to know how many of the Ministry's employees had been assigned to gender issues, whether the Department had the authority to shape government policies for the advancement of women and whether the Government intended to increase the Department's budget.

27. She would appreciate an update on plans to appoint a gender adviser and a gender and protection coordinator within the Department and to convert the Department into a ministry by the end of the first quarter of 2016. She also wished to know whether the National Gender Equality Policy protected the rights of women belonging to vulnerable groups, including women with disabilities, rural women and single mothers. The delegation should supply details of efforts to implement the Policy and to ensure the availability of the financial and human resources required for that purpose. It should state whether there was a time frame for the Policy's implementation and whether indicators had been developed to gauge its effectiveness. Lastly, it would be useful to hear what was being done to foster the participation of civil society, particularly women's organizations, in the implementation of the Policy and whether gender focal points had been designated in every government institution.

28. **Ms. Gbedemah**, noting that there were no women members of parliament and that no quotas had been set for women's representation in the diplomatic service, said that temporary special measures were needed in order to achieve substantive gender equality. Given that, during its universal periodic review, the State party had pledged to take affirmative action to empower women in the public and private sectors and to encourage their political participation, she enquired what the time frame was for adopting such measures.

29. She wished to know whether the impact of the Municipalities Act had been assessed, whether the number of women councillors had grown since the amendment of the Act in 2013, what the level of compliance with the 30 per cent quota had been and whether sanctions were imposed for non-compliance. The delegation should also provide details of the time frame for the implementation of the recommendations put forward in the study into the gender profile of political parties and elections that was outlined in paragraph 102 of the periodic report (CEDAW/C/VUT/4-5).

30. **Ms. Kenneth** (Vanuatu) said that 0.2 per cent of the budget of the Ministry of Justice and Community Services was allocated to the Department of Women's Affairs, which had 15 employees and for which future budget increases had been earmarked by

the Government. A gender and protection coordinator had been appointed in December 2015 and a gender adviser would be recruited in March 2016. The restructuring of the Department was scheduled for completion in June 2016 and would ensure that it had the resources and the authority to implement the National Gender Equality Policy. Elements of all four strategic areas of the Policy were already being implemented and the Department was cooperating with development partners to establish a monitoring and evaluation framework.

31. The Council of Ministers had instructed the Department to guarantee that the 30 per cent quota for women's representation was in place in all municipal councils within 16 years of the 2013 amendment to the Municipalities Act, at which point the impact of the Act would be measured. Meanwhile, the Department was drawing on the recommendations contained in the study into the gender profile of political parties and elections in its implementation of the National Gender Equality Policy and had been urging political parties to stimulate the activities of their women's wings. It was also endeavouring to bring about greater political acceptance of temporary special measures and had raised awareness among women of their right to vote and to be elected.

32. **Ms. Tevi** (Vanuatu) said that, since the 2013 amendment to the Municipalities Act, more women had been participating in councils at the provincial and village levels and more of them had taken up senior posts within society. To give a few examples, the acting Attorney General, the head of the Telecommunications Regulator, the Director-General of the Ministry of Internal Affairs, the chargée d'affaires at the diplomatic mission of Vanuatu in Beijing and the Deputy Lord Mayor of Port Vila were all women.

33. **Ms. Kenneth** (Vanuatu) said that gender focal points had been designated in the following ministries: Climate Change and Natural Hazards; Education; Health; Justice and Community Services; and Land and Natural Resources.

34. **Ms. Zou** Xiaoqiao said that the delegation had not yet described what was being done to foster the participation of civil society, particularly women's organizations, in the implementation of the National Gender Equality Policy.

35. **Ms. Gbedemah** asked whether the State party would consider introducing legislated quotas to boost women's representation in political and public life, what results had been achieved since the establishment of the 30 per cent quota for women's representation in municipal councils and what steps were being taken to conduct an ongoing assessment of the effectiveness of efforts to implement the quota.

36. **Ms. Kenneth** (Vanuatu) said that representatives of civil society organizations, including women's groups, were part of the National CEDAW Committee and would be invited to report on the implementation of the 30 per cent quota, which had already been introduced in Port Vila and Luganville. Since the establishment of the quota, more women had shown a desire to occupy leadership positions within municipal councils.

37. **Ms. Tevi** (Vanuatu) said that the Committee's recommendations with regard to legislated quotas would be communicated to the Government, but that the imposition of quotas would require an amendment to the Representation of the People Act.

38. **Ms. Kenneth** (Vanuatu) said that efforts had been made to raise awareness of the importance of electing women to municipal councils in Port Vila and Luganville.

39. **Mr. Natuman** (Vanuatu) said that there were plans to amend national legislation in order to reserve seats for women on provincial councils and in parliament, although possible conflicts with the Constitution would need to be resolved before any amendments could be proposed.

40. **Ms. Al-Dosari** asked how the Family Life Education syllabus referred to in paragraph 86 of the periodic report would help eradicate gender stereotypes and patriarchal attitudes, and how it dealt with the topics of mental health, relationships and safety. She said that she would appreciate information on steps to raise awareness of the need to eliminate discrimination against women. In particular, she wished to know what training in human rights and the Convention had been provided to police officers.

41. With reference to paragraph 23 of the Committee's previous concluding observations (CEDAW/C/VUT/CO/3), she asked what had been done to put in place a comprehensive strategy, including legislation, to modify or eliminate cultural practices and stereotypes that discriminated against women. She would also welcome details of efforts to address the issue of dowries, to use innovative educational measures to strengthen understanding of the equality of women and men, to work with the media so as to promote a positive and non-stereotypical portrayal of women, to put in place monitoring mechanisms and to assess progress made towards the achievement of established goals in that respect.

42. **Ms. Leinarte** said that she was concerned about the slow pace with which the Family Protection Act, which criminalized domestic violence, was being implemented in rural areas, where most of the country's female population lived. She asked what protection and assistance were available to victims of domestic violence; whether there were shelters for victims; and whether police officers, judges and social workers received training that would help them to give effect to the Act's provisions. Despite the fact that the Penal Code prohibited witchcraft with intent to cause harm to another person, the practice still appeared to be widespread and accusations of witchcraft could trigger serious forms of violence, particularly against women, including public execution. She asked what measures the State party envisaged taking to eradicate that practice.

43. The cultural practice whereby the groom paid a bride price to his wife's family could also give rise to exploitation and gender-based violence, as, once the price had been paid, many men viewed their wife as their property and felt justified in inflicting corporal punishment on her. She asked whether the State party intended to prohibit that harmful cultural practice by law.

44. The low conviction rate of perpetrators of gender-based violence and the lenient prison sentences handed down to those who were convicted were also a cause of concern to the Committee. Noting that the prevalence of sexual violence against girls under the age of 15 in Vanuatu was one of the highest in the world, and that amendments to the Penal Code had been proposed which, if adopted, would increase the maximum penalties for incest, abduction for the purpose of committing a sexual offence and sexual intercourse with minors under the age of 15, she asked what progress had been made in adopting those amendments.

45. **Ms. Gabr** said that the report and the written replies provided scant information on the issue of human trafficking and prostitution. Given the high prevalence of human trafficking in developing countries, she wished to know whether the State party planned to ratify the Palermo Protocol and, if so, whether it intended to adopt legislation to protect the most vulnerable segments of society, punish perpetrators and guarantee assistance to victims. She enquired whether the State party planned to conduct studies or to collect data on the prevalence of the different forms of exploitation in the country, including domestic servitude, forced labour and prostitution. Did the State party intend to devise a national action plan to prevent and combat human trafficking and related crimes? What was the nature of the cooperation between the Government and the International Organization for Migration (IOM) in collecting data on human trafficking?

46. **Ms. Kenneth** (Vanuatu) said that the text and images used in learning materials had been modified as a means of tackling negative gender stereotypes in the school curriculum. The Ministry of Education had been tasked with examining and adopting the good practices of neighbouring countries and had conducted a visit to Fiji for that purpose.

47. **Mr. Ben** (Vanuatu) said that, in 2005, the United Nations Development Programme (UNDP) had funded a government-led consultation process with parents, church representatives, women's representatives, school representatives and young people on sex and family life education, which remained a sensitive cultural issue in the country. Teachers would be provided with training on how to approach those subjects in the classroom.

48. **Mr. Waqanitoga** (Vanuatu) said that the National Council of Chiefs had banned the use of money to pay bride prices, although other traditional forms of payment had been retained. According to a study on gender, custom and domestic violence in Vanuatu conducted in 2014, the role of women in society was dictated by custom, which placed men at the head of the household as decision makers and made women subordinate to them. However, there was no evidence to suggest that gender-based violence was a direct result of such customs. Moreover, perpetrators of that form of violence were severely punished. The national centre for women and the national media took part in information campaigns to prevent domestic violence.

49. **Ms. Kenneth** (Vanuatu) said that the Government had conducted a number of training activities aimed at raising the awareness of police officers of human rights, including women's rights, and building their capacity to deal with gender-based violence. A special training manual intended for police officers had been distributed to all police stations. Public servants had also been provided with training to assist them in implementing the Family Protection Act and in implementing programmes to raise awareness of gender issues.

50. **Mr. Natuman** (Vanuatu) said that there was no specific law dealing with witchcraft in Vanuatu. When a person accused of witchcraft was attacked or murdered, the perpetrators were charged with either assault or homicide under the country's Penal Code. Moreover, it was extremely difficult to prove to a court that witchcraft had been practised in such cases. There were no plans to expand the scope of the article of the Penal Code referring to that practice.

51. **Mr. Waqanitoga** (Vanuatu) said that the amendments to the Penal Code had been proposed following consultations between the Ministry of Justice and Community Services and the public prosecution service, and following the review of existing sentencing guidelines by the judiciary. It was hoped that increasing the maximum penalties for incest, abduction for the purpose of committing a sexual offence and sexual intercourse with minors under the age of 15 would reduce the prevalence of those phenomena. The Government was committed to securing the adoption of those amendments. The Ministry of Justice and Community Services was also examining the possibility of revising the law governing evidence to allow more cases, including cases involving sexual crimes, to be brought to trial. The corresponding bill had been drafted and was awaiting approval.

52. **Ms. Tevi** (Vanuatu) said that the authorities of Vanuatu tended to rely on the provisions of the Penal Code relating to solicitation to deal with human trafficking and the exploitation of women and girls. There were no plans to introduce a specific provision to criminalize those practices. While the Criminal Code prohibited the aiding of prostitution, it made no reference to the sexual exploitation of women and girls.

53. **Mr. Waqanitoga** (Vanuatu) said that no statistics on human trafficking or the sexual exploitation of women and girls were currently available. However, IOM was providing the country with technical assistance aimed at building the capacity of the Government and the police to collect such data in the future. Such data would prove useful in formulating strategies to combat those phenomena.

54. **Ms. Leinarte** asked why the practice of paying a bride price could not be prohibited by law and how preserving that practice could possibly benefit women in Vanuatu.

55. **Ms. Al-Dosari** asked whether the State party had harnessed the power of the media to promote a positive image of women and their role in society and how the impact of awareness-raising initiatives was monitored and assessed.

56. **Mr. Natuman** (Vanuatu) said that the Constitution recognized customary practices such as the payment of a bride price upon marriage, which would make it extremely difficult to prohibit by law. The National Council of Chiefs had banned the use of money to pay bride prices in an effort to change the traditional perception of women as becoming her husband's property once married.

57. **Mr. Ben** (Vanuatu) said that there were currently no mechanisms in place to monitor and assess the impact of awareness-raising activities.

58. **Ms. Tevi** (Vanuatu) said that it would be extremely difficult to convict a person accused of having practised witchcraft, as such accusations were based on circumstantial evidence that could not be corroborated beyond reasonable doubt in a court of law.

59. **Mr. Ben** (Vanuatu) said that the Penal Code did not address the issue of negative stereotypes of women and sexist attitudes.

60. **Ms. Schulz** asked how many women had been accused of practising witchcraft and, if they had been attacked or murdered as a result of such accusations, whether the perpetrators were duly prosecuted.

61. **Mr. Natuman** (Vanuatu) said that when a person was suspected of having practised witchcraft, a complaint was usually filed with the police. However, such complaints were often dismissed at the investigation stage on account of a lack of evidence. The Government recognized the need to raise public awareness of the dangers associated with accusations of witchcraft.

Articles 7 to 9

62. **Ms. Gbedemah** said that it would be helpful to receive detailed statistics on women's representation in the judiciary, the diplomatic service, international organizations, decision-making bodies and the security forces to enable the Committee to assess the level of women's participation in those spheres and to make the necessary recommendations to the State party.

63. She would also like to know whether the State party made a conscious effort to take account of gender considerations in appointments to the diplomatic service, foreign office and other such bodies.

64. She had been concerned to read in paragraph 98 of the report that women appointed to sit on Provincial Councils did not always have voting rights and were in some cases obliged to channel any questions they might wish to raise through a male councillor. She asked what reasons were behind that restriction, which compromised accuracy of communication and reinforced stereotypical perceptions that women were not qualified to speak in public; whether the situation was likely to change; and, if so, when. Details of any measures adopted to raise the profile and increase the

participation of women in traditional decision-making processes and in bodies concerned with climate change and disaster risk reduction would also be useful.

65. **Ms. Hofmeister**, referring to the amendment to the Citizenship Act mentioned in the written replies, said that details of the mechanism through which non-nationals could apply for citizenship were needed. She would particularly like to know: whether Vanuatuan women were able to transmit their nationality to their children irrespective of the father's nationality; what role the National Council of Chiefs assumed in citizenship decisions; and whether women applying to acquire or regain Vanuatu nationality faced obstacles of a practical nature, such as a requirement to travel to the main island.

66. **Ms. Kenneth** (Vanuatu) said that the Department of Women's Affairs was engaged in a consultation exercise to collect information about women's representation in the public and private sectors. The exercise should be completed by the end of 2016. The information collected would be used to compile a database of female talent and expertise that would be made available to relevant parties and would facilitate the appointment of women to State bodies and committees. Women were already represented on the National Advisory Board on Climate Change and Disaster Risk Reduction and were also involved in the related community-level programmes and committees.

67. **Mr. Waqanitoga** (Vanuatu) said that recent legislative reforms had made it compulsory to involve women in community and village-level discussions concerning customary land ownership and to obtain their consent for all decisions related to the acquisition, lease or alienation of land. Since the introduction of the adjudication system, several women had trained as certified adjudicators qualified to sit on village and community tribunals and participate in land-related decision-making processes. Women wishing to challenge a decision could approach the recently appointed Land Ombudsman for advice and, if deemed necessary, request a review of the proceedings.

68. **Mr. Natuman** (Vanuatu) said that foreign men and women who married a Vanuatuan citizen now had equal rights to apply for citizenship after two years of marriage and could include any children in their application. Women who had been elected to sit on Provincial Councils had full voting rights. By contrast, women with observer status who had been appointed by the Minister pursuant to the Decentralization Act did not have voting rights and were not permitted to voice their opinions directly. As the decision to establish reserved seats for women would bring more elected female representatives into office, the situation should change.

69. **Ms. Gbedemah** asked whether she could correctly conclude that, unless and until they were elected by public vote, women who sat on Provincial Councils would continue to be denied full voting rights. If so, the negative effects could be considerable; when women were deprived of voting rights in such forums, there was a risk of their voices being excluded altogether. For the same reason, she suggested that the reforms introduced to land-related decision-making processes should be extended to other areas, giving women the opportunity to play a role across the board at the grass-roots level. She invited the State party to consult general recommendation No. 23 on women in political and public life for guidance in that connection.

70. **Ms. Haidar** said that it was still not clear to her whether a Vanuatuan woman had the right to transmit her nationality to her child at birth even if the father was a non-national. Further clarification was needed.

71. **Ms. Hofmeister** asked what procedures a non-national who had been married to and living with a Vanuatuan for at least two years was required to complete in order to gain citizenship and whether the National Council of Chiefs had the power to oppose citizenship applications.

72. **Mr. Natuman** (Vanuatu) said that, in exercise of democratic principles, the Government thought it better to reserve seats in the Provincial Councils to which women could be democratically elected with full voting rights than to extend those rights to women with observer status who had been appointed by nomination. However, alternatives were under consideration and an amendment to the Decentralization Act that granted voting rights to women in the latter category was a possibility. With regard to the citizenship of children born to a Vanuatuan mother and non-national father, he pointed out that, whereas citizenship applications for the first child could be submitted after two years only, in parallel with the father's application, any subsequent children would become citizens at birth, in application of article 11 of the Constitution.

73. The National Council of Chiefs had no powers of intervention in citizenship matters; the Constitution gave the Citizenship Office exclusive jurisdiction over such decisions. Inhabitants of outer islands that wished to apply for citizenship could face practical obstacles; the Citizenship Office was based in Port Vila and the citizenship test could be sat in that location only. The Government was aware that that situation was far from ideal but significant resources would need to be raised before any changes could be made.

Articles 10 to 14

74. **Ms. Bailey** said that levels of enrolment in secondary education were a source of concern. The figures revealed that, on average, only around half of secondary school-aged children were in education, with the percentage falling progressively the higher the grade. She invited the delegation to explain the high dropout rate and the underlying causes, which, she assumed, must include a high rate of teenage pregnancy, an insufficient number of schools and inadequate infrastructures in addition to the failure to appreciate the value of education. Since the majority of secondary school teachers were men, sexual violence was also likely to be a problem and she would like to know how often such problems were reported and what was being done to address them. In the absence of legislative provisions to guarantee teenage mothers' right to complete their education, she would also like to know what precisely was being done, pursuant to the Gender Equity in Education Policy for 2005-2015, to convince secondary schools and technical institutions to allow girls to return to school after giving birth.

75. Turning to the availability of scholarships for tertiary education and noting that more boys were benefiting than girls even though the guidelines called for an even allocation between sexes, she asked what temporary special measures or other forms of action were being used to redress the balance. She further enquired whether the Family Life Syllabus referred to in the report had been approved; when it would be introduced; and whether it covered sexual and reproductive health and responsible sexual behaviour.

76. **Ms. Patten** said that she would be interested to know what personal circumstances or characteristics constituted prohibited grounds for discrimination in employment. Were marital status, current or prospective pregnancy, and HIV status expressly included in the list? She also wished to know: what the lawful discrimination envisaged in the employment relations bill might entail; whether the bill expressly covered both the public and private sectors; why a separate law was deemed necessary to address sexual harassment in the workplace; whether technical assistance had been sought from the International Labour Organization (ILO); whether the capacity of the Labour Inspectorate would be strengthened to respond to emerging needs; what measures were envisaged to improve the scope, quality and impact of labour inspections; and whether a time frame for the bill's adoption and

implementation had been set. With regard to the informal sector, she would like to know what the Government was doing to guarantee adequate social protection for workers in that sector and at the same time to facilitate their transition to the formal economy.

77. **Ms. Chalal** said that more information was needed about the reproductive health policy and strategy mentioned in the report, including details of the resources allocated, the objectives pursued and the availability of family planning services for rural women, migrant women and other minority groups. She would appreciate the delegation's comments on reports that its health policy was not inclusive, since women with disabilities were poorly served and often lacked access to both information and services. Given the lack of health-care infrastructures in rural areas and outlying islands, she suggested that wider use of mobile clinics might be considered. Noting that the number of teenage pregnancies showed no sign of falling, she enquired whether targeted educational and awareness-raising campaigns had been carried out; whether new technology and social media were being used effectively to that end; and whether contraception was available free of charge. Lastly, she requested an update on progress in establishing the community-based health-care and first aid programme envisaged under the agreement between the Ministry of Health and the Red Cross Society that was mentioned in paragraph 126 of the report.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1388

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Committee on the Elimination of Discrimination against Women
Sixty-third session

Summary record of the 1388th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 24 February, at 3 p.m.

Chair: Ms. Hayashi

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth and fifth periodic reports of Vanuatu (continued)

This record is subject to correction.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth and fifth periodic reports of Vanuatu (continued)
(CEDAW/C/VUT/4-5; CEDAW/C/ VUT/Q/4-5 and Add. 1)

1. *At the invitation of the Chair, the delegation of Vanuatu took places at the Committee table.*

2. **The Chair** invited the delegation of Vanuatu to continue with their replies to questions put by Committee members at the previous meeting.

Articles 10 to 14 (continued)

3. **Ms. Kenneth** (Vanuatu) said that according to the 2013 annual report of the Ministry of Education, the decreasing trend in girls' enrolment in secondary school was attributable to onerous secondary school fees, the geographical location of schools and the costs associated with transport. Also at play were the cultural interpretations of gender roles, especially in rural areas, which encouraged the education of boys, but not girls. The Ministry of Education had launched an initiative involving career talks that encouraged girls to attend and stay in school. It was hoped that eventually as many women as men would apply for and receive education grants.

4. There was currently no protocol for reporting violent incidents in schools. The introduction of the "safe school" concept was still under discussion by the Ministry of Education.

5. **Mr. Ben** (Vanuatu) said that raw data from 2014 showed that grant allocation was becoming more equitable between the sexes: women and men had received 56 and 44 per cent, respectively, of grant money, compared with 61 and 39 per cent previously. The return to school of girls having given birth was encouraged by the Ministry of Education, but its facilitation was not a formal policy. Distance learning had been introduced in 2004 as a means of providing a second chance to girls who dropped out because of pregnancy. Three secondary schools had allowed girls to return to schools once their infants had reached a certain age by incorporating distance learning into their curriculum.

6. **Ms. Kenneth** (Vanuatu) said that the word "pushing" in her Government's replies to the Committee's questions on education referred to the active role being played by the Ministry of Education in encouraging secondary schools and technical institutions to allow girls to return to schools after giving birth.

7. **Mr. Waqanitoga** (Vanuatu) said that the draft employment relations bill, which prohibited discrimination and provided for equal rates of remuneration for work of equal value, was still being considered by the Vanuatu Tripartite Labour Advisory Council. Because the Labour Department lacked the necessary capacity, it had not been possible to complete the bill's review and adoption; the time frame for its adoption was now 2020. Technical assistance was expected in 2016 to help the Labour Department to review and enact the bill.

8. The only social security in Vanuatu was provided by the Vanuatu National Provident Fund, which provided social benefits to any person residing in Vanuatu whose employment fell under the legal definition of work. Contributions to the Fund were mandatory for employers and for employees who earned 3,000 vatu or more per month.

9. **Ms. Tokon** (Vanuatu) said that the Reproductive Maternal Neonatal Child Adolescent Health Strategy was aimed at improving the health of mothers, children and

other vulnerable groups. Jointly funded by the Government and development partners, the Strategy specifically sought to address disparities in health in rural and urban settings and to facilitate vulnerable groups' access to health care. Nevertheless, there continued to be significant challenges related to poorly developed infrastructure and financial and human resource constraints. Specialists had been recruited to work in four of the six provinces of Vanuatu; they would work with the reproductive health teams of their respective provinces to deal with the issues raised in the dialogue with the Committee.

10. The Government was working with the United Nations Children's Fund (UNICEF) to increase vaccination coverage. It was hoped that the next survey, to be conducted shortly, would show an improvement in the coverage throughout the country. Efforts to ensure rural women's access to health services were also ongoing.

11. Services for victims of gender-based violence were available, although they were concentrated in urban centres. Specifically, legal assistance was provided by the Family Protection Unit of the Women's Centre, which itself was under the Department of Women's Affairs. Health response guidelines were expected to become available in the second quarter of 2016.

12. According to the 2010 *Millennium Development Goals Report*, Vanuatu had been among the lowest-ranked countries for Millennium Development Goal 5. In 2014 and 2015, the Government had received assistance from the United Nations Development Programme to accelerate progress on Goal 5, focusing especially on contraceptives and teenage pregnancy. Related measures had involved drafting the family life education syllabus, which was aimed at raising awareness about teenage pregnancy with the help of government and civil society partners, including the Pacific Council of Churches and various family associations.

13. Financial and human resource challenges continued to hamper the provision of services to rural and isolated areas. Mobile medical outreach was carried out mainly by development partners, as there were very few nurses in the rural areas and they could not afford to leave their stations. Victims of violence continued to suffer from lack of sufficient resources in hospitals, including post-exposure prophylaxis against HIV/AIDS. Currently, such services were concentrated in Vila Central Hospital; help was needed from United Nations and other partners to expand those services and provide guidelines and training on gender issues and human rights to all six provinces. The counselling services provided through Israeli aid to the population of Vanuatu in the wake of Cyclone Pam had helped to create awareness about mental and behavioural health. With just one psychiatrist working in the country, however, much remained to be done. She took note that awareness-raising was also needed with regard to persons with disabilities and their right to access sexual and reproductive health services.

14. **Ms. Kenneth** (Vanuatu) said that the health response guidelines to be published on victims of violence would be inclusive of persons living with HIV/AIDS and persons with disabilities.

15. **Ms. Bailey** said that, since "safe schools" were not yet a reality and there were no protocols in place, it would be useful to learn who was responsible for reporting sexual violence, which was a criminal offence. The State party should clarify whether it was mandatory for secondary schools and technical institutions to respond positively to requests from girls who wished to return to school after giving birth. Furthermore, she wondered whether distance education was a realistic option, as it assumed that girls had access to the Internet at home.

16. **Ms. Haidar** said that if distance education was a possibility, it would be interesting also to explore options of e-governance. On the issue of nationality, for instance, it might

be possible to register births electronically in order to overcome existing geographical obstacles.

17. **Ms. Patten** said that the State party should eschew broad, general language in the employment relations bill and instead set out specific provisions. She wondered whether the bill applied explicitly to both the private and public sectors; whether it covered domestic workers; and whether it addressed sexual harassment in the workplace.

18. Referring to the concept of decent work, she said that social protection was an inalienable right of any worker; she therefore urged the State party to consider extending social protection to people working in the informal sector. She would appreciate more information on the measures adopted to address issues of occupational segregation and domestic workers. It would also be useful to learn the percentage of women and men working in the recently recognized scheme that offered seasonal work opportunities overseas, and whether the Government was considering affirmative action measures to facilitate women's access to such schemes.

19. **Ms. Chalal** asked whether contraceptives were free and easily available.

20. **Ms. Kenneth** (Vanuatu) said that until a more formal process was introduced for reporting sexual violence in schools, teachers were responsible for reporting any incidents.

21. **Mr. Ben** (Vanuatu) said that the Gender Equity in Education Policy for the period 2005-2015 encouraged, but did not make it mandatory for, schools to allow girls to return after giving birth.

22. **Mr. Waqanitoga** (Vanuatu) said that distance education was a new initiative being considered by the Government to satisfy the needs of students living in remote areas. A department had been established to further explore the options of e-learning and e-governance.

23. It was regrettable that the employment relations bill was not accessible while it was being reviewed by the Labour Department. However, it was known that it dealt with the ban on employment of women at night and contained provisions prohibiting discrimination and making sexual harassment in the workplace a criminal offence. The bill, which could not as yet be enacted through the normal procedure, would first be reviewed in order to take account of the state of affairs in Vanuatu. The recruitment of consultants and others providing technical assistance had already begun.

24. **Ms. Tokon** (Vanuatu) said that, with assistance from the United Nations Population Fund (UNFPA), contraceptives were free, although it was difficult to fund full accessibility. In 2014, the Government had introduced a new method of family planning involving Jadelle five-year implants, which it hoped would reduce the number of teenage pregnancies and reduce the need for women to keep renewing their supply of contraceptive pills. There were 1,000 users of the implants, to date. Another approach to reducing teenage pregnancies was to provide sexual and reproductive health education in schools, with support from parent-teacher associations. The country was also faced by a shortage of human resources, but a basic training programme for nurses was in place. Moreover, 11 young women and 3 young men had arrived as interns from Cuba.

25. **Ms. Pomeranzi**, addressing issues under article 13 of the Convention, said that the State party's achievement in reducing poverty was commendable, but she wondered how the Government was implementing and monitoring its national policy to empower women, especially women suffering from multiple forms of discrimination. She wished to know whether there were vocational or training programmes in information technology or other disciplines for women and girls in the outer islands and whether any budget had been allocated for that purpose.

26. She would be grateful for further information on women's access to credit schemes and microfinance. In view of the high interest rates involved, she asked what the criteria for membership were and whether the Government provided access to technical assistance and business opportunities. All existing schemes seemed to be run by civil society. She also wished to know whether the Government took action to regulate imports, thereby supporting local products, such as traditional dresses, which were usually made by women. If imports were not controlled, women's businesses suffered and they had to find alternative employment.

27. Lastly, she asked what opportunity women working in the informal sector had to participate in the Vanuatu National Provident Fund. If they could not participate, they should be enabled to do so.

28. **Ms. Arocha Dominguez** said that the State party had not provided sufficient data for the Committee to evaluate its progress under article 14 of the Convention. It appeared that the Government had not taken the action recommended in the Committee's concluding observations in 2007 (CEDAW/C/VUT/CO/3). Owing to the geography of the country, the needs of the rural population were more pressing than in many other countries. Specifically, she would be grateful to hear more about the "mandatory" participation by women in *nakamals*, the traditional meeting places mentioned in paragraph 49 of the replies to the list of issues; she wondered how such participation was monitored and enforced. She would also be glad to know more about the bodies mentioned in paragraphs 54 to 57 of the report, such as the Vanuatu Agricultural Development Bank, which appeared to have no gender-based focus. If that was not the case, she would be grateful if the delegation would send further information within 48 hours. She also wished to be given information about services in remote communities. In particular, she would welcome a gender breakdown of persons living in poverty in urban and rural areas.

29. With regard to the National Disability Policy and Plan of Action, currently under review, she asked whether any provisions specifically applied to women. Lastly, she commended the State party for establishing a gender-based cluster at the National Disaster Management Office following Cyclone Pam in 2015, but she wondered whether the cluster existed only at the national level or also in the provinces and smaller communities and whether women were involved in recovery and rehabilitation. She also wished to know whether the Office dealt only with disasters when they struck or also with wider questions of climate change, which would ultimately affect the economy.

30. **Ms. Kenneth** (Vanuatu) said that the Government had been the prime mover in setting up credit facilities, but it was true that interest rates were high. The issue formed part of the continuing debate between the Government and the Vanuatu Women's Development Scheme. In 2015, the Department of Women's Affairs had undertaken a study on business options for women in order to improve government support. Lastly, she acknowledged that the Government had no policy on protecting local produce.

31. **Mr. Waqanitoga** (Vanuatu) said that, since they were not in regular full-time employment, women working in the informal sector did not qualify for membership of the Vanuatu National Provident Fund. They could, however, make voluntary contributions. One problem was that people working in the informal sector often lacked information on the Fund.

32. **Mr. Natuman** (Vanuatu) said that, in view of the fact that the Constitution recognized customary activities if they were not in conflict with anyone's constitutional rights, the Government recognized *nakamals*, which had previously comprised only men. Under the Customary Land Management Act, No. 33 of 2013, *nakamals* were now open to women and children. If they had an interest in disputed land, they were entitled to state their case and to appeal against any decision made.

33. **Ms. Kenneth** (Vanuatu) said that the Government did not currently have any data on the level of participation by women in *nakamals*. It would provide the information later. As for the question about the bodies mentioned by Ms. Arocha Domínguez, the Government would need to look further into the question of introducing a gender-based approach. Generally speaking, awareness of the issue had been raised: it was a legal requirement for women to be represented on the board of the Vanuatu Agricultural Development Bank and the Council of Ministers ensured that women were represented on committees to identify candidates for training in various areas. As for services to rural populations, the delegation would take the question as a recommendation and carry out comparative studies, which did not yet exist. The delegation had no data on the numbers of women obtaining access to finance but could provide them within 48 hours.

34. Under the 2015 review of the National Disability Policy and Plan of Action, the needs of women had been recognized, in line with the National Gender Equality Policy for the period 2015-2019. It was encouraging that a person with a disability was a member of the legislature, providing a focal point for persons with disabilities throughout the country. There was a gender strategy and a disability strategy under the technical and vocational education policy. As for the question about clusters set up after Cyclone Pam, she confirmed that women with disabilities participated in data collection and played their part, through women's groups, in plans for rebuilding houses and replanting land on some islands. Women participated, with help from the Food and Agriculture Organization (FAO), in the National Disaster Management Office. Information on vulnerable rural women had been integrated into the country's humanitarian system. A gender strategy was also mainstreamed in the National Advisory Board on Climate Change and Disaster Risk Reduction. Lastly, the Gender and Protection Coordinator worked with provincial authorities to ensure that gender and protection clusters were incorporated in local authority plans and programmes.

35. **Ms. Ameline** asked whether Vanuatu felt that it had received enough international support in fighting for the survival of the country. She also wished to know whether the National Advisory Board on Climate Change and Disaster Risk Reduction had a gendered approach and whether new policies had been put in place to help women.

36. **Ms. Pomeranzi** said that, in asking her question, she had had in mind a government policy on an inclusive economy, which could be created by addressing the specific vulnerabilities of women. A multidimensional approach to the economic empowerment of women was required in order to achieve an inclusive, sustainable economy. She encouraged the State party to review its policy in that light.

37. **Ms. Haidar** said that intersectional discrimination, which affected disadvantaged groups of women, was not specifically addressed in the National Policy on Gender Equality or in the National Disability Policy and Plan of Action. Alternative sources had also indicated that disaggregated data on such discrimination were not available. The State party should carry out the necessary actions to mainstream the rights of women and girls with disabilities, across all laws.

38. **Ms. Kenneth** (Vanuatu) said that the Vanuatu Climate Change and Disaster Risk Reduction Policy ensured that gender issues were dealt with at all times, not just when natural disasters occurred. The Government worked together with civil society partners in humanitarian and emergency settings to protect the rights of persons with disabilities. Studies had been carried out on the economic policy in place, in conjunction with NGOs and other partners, to ensure that a comprehensive policy was implemented to support the economic empowerment of women. The Government understood and appreciated that intersectional discrimination was a serious concern. Despite financial constraints, efforts were being made to review policies to eliminate any discriminatory provisions and make the policies more inclusive, to amend the relevant legislation, as required, and to provide

support and funding for groups working in the field of intersectional discrimination. The first step would be to examine the National Policy on Gender Equality in order to ensure that it recognized the rights and specific needs of different groups of women, such as women with disabilities and single mothers.

Articles 15 and 16

39. **Ms. Patten** said that she was concerned that the Committee's previous recommendation to raise the minimum age for marriage for girls to 18 had not been implemented. Why was that the case and what obstacles were there to amending the Control of Marriage Act? She wished to know whether the Law Reform Commission had a time frame for submitting its recommendations to the Government on the amendments to be made. The Committee understood that early and arranged marriage had been a traditional and historical practice in the State party, mainly for building alliances and acquiring wealth, and that, nowadays, rather than submitting to such arrangements, many couples choose to marry on their own. Nonetheless more information would be welcome on what had been done to combat that practice and whether awareness-raising campaigns had been conducted. She would like to know what the position of the Government was on that issue and whether steps had been taken to require customary marriages to be registered and to criminalize the act of aiding and abetting forced marriage, even in cases in which the parents were responsible. Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (CEDAW/C/GC/31-CRC/C/GC/18), had clarified the negative impact of early marriage on girls.

40. The subject of polygamy and the exchange of gifts between families as a form of bride price was also a matter of concern to the Committee, as had been expressed in the past. Had measures been implemented to review and repeal those provisions of customary law which promoted those practices and to bring them into line with article 16 of the Convention? Had a dialogue been initiated on that matter with chiefs? The bride price practice was harmful, as it encouraged domestic violence and discrimination against women, and perpetuated the idea of women as property. The Committee was also interested to know what efforts had been made to eliminate and assess the extent of the practice and to examine what impact it had on marriage, family relations and custody rights. She wondered what role the Vanuatu National Council of Women played in the practice.

41. She would like to know whether the ceiling on bride prices set by the Vanuatu National Council of Chiefs in conjunction with the Vanuatu National Council of Women in 2005 still applied and if it was true that efforts had been made to encourage people to pay the price in goods rather than in cash. Had any research been conducted to determine how often women in rural areas resorted to seeking the assistance of the chief of the village to resolve family disputes, such as those relating to child support or custody?

42. **Mr. Natuman** (Vanuatu) said that it was correct that many areas of family law needed to be amended. The task of reviewing legislation was the responsibility of the Law Reform Commission and the legislature then scrutinized the recommendations provided by the Commission. No recommendations had been put forward, to date, on family law, including the issue of the minimum age for marriage for girls. On the matter of arranged and early marriage, such practices had not been criminalized. It was difficult, although not impossible, to legislate on that type of issue, as it was a customary practice and customary practices were recognized by the Constitution.

43. There was legal requirement for the registration of customary marriages; they simply had to be witnessed by a chief. However, the Government could consider introducing such a requirement. Polygamy was a very sensitive issue in Vanuatu and was thus difficult to legislate on. The practice was customary in some regions and the Government would be

guided by the recommendations of the Law Reform Commission in deciding whether or not it would be feasible to legislate on the issue.

44. **Mr. Waqanitoga** (Vanuatu) said that, as the practice of bride price was recognized under the customary law, it would be difficult to eliminate. However, the National Council of Chiefs had banned the use of cash to cover the bride price. Although no specific legislative provision was in place to regulate the practice, parents were required to come to an agreement on the amount of wealth to be paid and the items to be exchanged. The Government was endeavouring, through the Council of Chiefs, to dispel the notion that women could be given away as property in exchange for payment. The bride price could potentially be taken into account in the event of the dissolution of a traditional customary marriage. However, in customary marriages that had been registered, civil law prevailed over customary law in matters relating to marriage such as property and child custody. The courts had often made reference to the provisions of the Convention in cases relating to the division of marital property following a divorce.

45. **Ms. Kenneth** (Vanuatu) said that research had been carried out in 2005 by the Vanuatu Women's Centre, in conjunction with the Government, on the prevalence of domestic violence. As a result, awareness-raising activities had been undertaken and the findings of the research had been forwarded to community leaders and development partners and stakeholders in rural areas. The Council of Chiefs had supported the research and continued to advocate for the bride price to be paid in kind.

46. **Ms. Patten** said that customs evolved and therefore should not be used to justify continued discrimination against women. She would like to know what the gender composition of the Law Reform Commission was, if the members of the Commission were properly trained in the provisions of the Convention and whether the issue of bride price was a priority for the Commission. What was the Government's position on bride price and forced marriage? Regardless of the recommendations of the Commission on those issues, it was ultimately the responsibility of the Ministry of Justice and Community Services to set the policy guidelines on those matters.

47. **Ms. Gbedemah** said that other countries, such as her own, that had traditionally practiced customary forms of marriage had managed to ensure that such marriages were registered and to abolish the practice of early marriage. It should therefore be possible for Vanuatu to do the same.

48. **Mr. Waqanitoga** (Vanuatu) said that the Government intended to strengthen the Law Reform Commission by giving it more powers and the ability to review legislation in order to eradicate discriminatory provisions. A review of the Penal Code had already been carried out and the Government would soon look into implementing the recommendations made. The Government was aware of numerous challenges in relation to customary law and was exploring the areas in which such law conflicted with the Convention, with a view to eliminating discriminatory provisions.

49. **Ms. Kenneth** (Vanuatu) said that the Law Reform Commission was composed of three permanent staff and two volunteers, including two women and three men. The delegation was grateful for the constructive dialogue with the Committee and appreciated the recommendations made.

The meeting rose at 5 p.m.